

**COMMONWEALTH OF MASSACHUSETTS**  
**WORCESTER, SS**  
**SPECIAL TOWN MEETING WARRANT**

RECEIVED  
TOWN CLERK'S OFFICE  
2023 SEP 27 PM 3:54  
TOWN OF WESTBOROUGH

TO ANY CONSTABLE IN THE TOWN OF WESTBOROUGH, IN THE COUNTY OF  
WORCESTER, GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Westborough, qualified to vote in elections and town affairs, to act on the following Articles on Monday, October 16, 2023, at 7:00 P.M. in the Westborough High School located at 90 West Main Street, Westborough.

*The Article Information statements printed in italics are not part of the formal Articles of the Warrant. They constitute additional information offered for the benefit of the voters, true and correct as of the time of posting of the Warrant, but subject to change as called for. They are not to be construed so as to broaden or limit the scope of the formal Articles.*

**ARTICLE 1: Prior Years Bills (Select Board)**

To see if the Town will vote to transfer from available funds a sum of money for the purpose of paying prior year bills for costs incurred in previous fiscal years or take any other action thereon.

*Article Information – This article would appropriate the funds necessary to pay outstanding bills incurred in previous fiscal years. Payment of prior years' bills require a Town Meeting vote. The motion for this article requires a nine-tenths vote.*

**ARTICLE 2: Fiscal Year 2024 Budget Adjustments (Various Departments)**

To see if the Town will vote to raise and appropriate or transfer from available funds the following sums for the purpose of making the following adjustments to the FY2024 Budget, or take any other action thereon.

Budget	Increase/Decrease
Cable TV Enterprise Budget	\$50,000
Golf Course Enterprise Expenses	\$7,000
<i>Total Enterprise Fund Adjustments</i>	<i>\$57,000</i>
Finance Department Salary/Wages	\$20,632
Finance Department Expenses	\$3,800
Fire Department Salary/Wages	\$169,259
Fire Department Expenses	\$28,741
Landfill Budget	-\$50,000
<i>Total General Fund Adjustments</i>	<i>172,432</i>

*Article Information – Approval of this article would make the adjustments to the identified budgets listed above. The increase of the Enterprise Funds listed has no tax impact. The adjustments to the General Fund would fund: the retirement payout to an employee, the increase to a contract in the Finance Department, approximately two additional positions in the Fire Department, and reduce the landfill budget based on the negotiated FY2024 rate. The motion for this article requires a simple majority vote.*

**ARTICLE 3: Community Center Property Acquisition – 12 Union Street (Select Board)**

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum of money for the acquisition of the property described below and costs incidental or related thereto, and to authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, the parcel of land with the building (known as 1500 Union Street) and other improvements thereon located at 12 Union Street, containing 2.58 acres, more or less, and being a portion of the premises described in deeds recorded with the Worcester South District of Deeds in Book 68741, Page 363 and Book 68741, Page 373, for community center and/or general municipal purposes on such terms and conditions as the Select Board deems in the best interests of the Town, subject to a reciprocal easement agreement, and, further, to enter into any and all agreements, including, without limitation, reciprocal easement and/or access agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate the foregoing, or take any other action thereon.

*Article Information - This request seeks to fund the acquisition of property located at 12 Union Street with the building (known as 1500 Union Street) within the Bay State Commons shopping center. The intent of the purchase would be to develop a multi-generational community center that would include the Recreation Department and Senior Center. The motion for this article requires a 2/3 vote.*

**ARTICLE 4: Community Center Due Diligence, Operating Costs, Community Engagement and Design (Select Board)**

To see if the Town will vote to transfer from available funds a sum of money for the purpose of completing due diligence, community engagement, design and operating costs related to the acquisition, improvement and/or use of the property located at 12 Union Street, including all costs incidental or related thereto, or take any other action thereon.

*Article Information - This request seeks to fund the due diligence on the property at 12 Union Street, including building assessments and the community engagement process and design of the approximately 63,500 square foot building. The article will also fund operating costs incurred after closing. The motion for this article requires a simple majority vote.*

**ARTICLE 5: Settlement Funds (Select Board)**

To see if the Town will vote to transfer from Free Cash the sum of Nine Hundred Fifty Thousand Dollars (\$950,000), or such other amount as Town Meeting may approve, to the Affordable Housing Trust, or take any other action thereon.

*Article Information – The Town has settled the litigation related to 129 East Main Street – Town of Westborough v. Westborough Retirement Residence, LLC, Worcester Sup. Ct. Docket No. 2185CV00292. This case involved compliance with the affordable housing requirement in the Westborough Zoning Bylaw. As part of the settlement, the Town received \$950,000 for affordable housing purposes; such funds will be provided to the Affordable Housing Trust pursuant to Town*

*Meeting authorization for affordable housing purposes. The motion for this article requires a simple majority vote.*

**Article 6: Opioid Settlement Fund (Town Manager)**

To see if the Town will vote to transfer from Free Cash the sum of Thirty Eight Thousand Nine Hundred Seventeen Dollars and 70 Cents (\$38,917.70), or such other amount as Town Meeting may approve, for the purpose of undertaking programs and projects set out in the Massachusetts State-Subdivision Agreement for Statewide Opioid Settlements and the National Opioid Settlement Agreement to combat the opioid epidemic, or to take any other action thereon.

*Article Information – This article appropriates funds the Town has received during FY2024 through the Massachusetts State-Subdivision Agreement for Statewide Opioid Settlements in conjunction with the National Opioid Settlement Agreement. These funds must be used for the purposes outlined in the agreements, yet M.G.L. does not allow these funds to be expended without appropriation by Town Meeting. Although dedicated to these purposes, Massachusetts Finance Laws treats these funds a General Fund revenue. Guidance from Department of Revenue suggest municipalities vote these funds out of Free Cash, as the funds received will eventually end up in the community's free cash.*

**ARTICLE 7: Public Safety Radios (Police Chief and Fire Chief)**

To see if the Town will vote to transfer from Free Cash the sum of Ninety-Nine Thousand Nine Hundred Twenty-Five Dollars (\$99,925), or such other amount as Town Meeting may approve, for the purpose of purchasing additional public safety radios and associated equipment, or take any other action thereon.

*Article Information – This article would fund the purchase of additional radios that can serve as spares and accessed as needed and the replacement of radio batteries. Due to the increase in positions in both the Police and Fire Departments, the Town has no spare portable radios that would be needed if one breaks. Additionally, the batteries in the existing radios are 7 years old and they are not holding a charge. The motion for this article requires a simple majority vote.*

**ARTICLE 8: Library Building Management System Upgrades (Library Director)**

To see if the Town will vote to transfer from Free Cash the sum of Twenty-Four Thousand Six Hundred Twenty-Five Dollars (\$24,625), or such other amount as Town Meeting may approve, for the purpose of upgrading the Library building management system and associated controls and equipment, or take any other action thereon.

*Article Information – This article would fund the upgrade of the library's building management software and hardware to restore secure access as well as removing obsolete equipment. The motion for this article requires a simple majority vote.*

**ARTICLE 9: Lake Chauncy, External Loading Analysis (Conservation/Recreation)**

To see if the Town will vote to transfer from Free Cash, the sum of Twenty-Seven Thousand Five Hundred Dollars (\$27,500) for the purpose of engaging a consultant to further analyze water quality issues related to nutrient-loading within the watershed from external sources as part of an overall assessment and long-term management plan for Lake Chauncy or take any other action thereon.

*Article Information: This additional analysis will complement the previous water quality sampling efforts conducted in 2022 with a high-level assessment of probable watershed nutrient related inputs, including further refinement of the watershed inputs to the lake, stormwater outlet sampling, and other possible inputs (i.e. geese). This study will help inform future lake management strategies with regard to algal blooms, treatment approaches, and related public health and environmental concerns. The motion for this article requires a simple majority vote.*

**ARTICLE 10: Roadway Acceptance Quick Farm Road (Department of Public Works)**

To see if the Town will vote to accept as a public way the layout of a portion of Quick Farm Road, which portion commences at the end of the public way portion of Quick Farm Road at station 13 + 80.11, runs for a distance of 1,815.36 feet, more or less, to station 31 + 95.47 feet, the sideline of public way known as Orchard Hill Drive, as heretofore laid out by the Select Board and shown on plans titled "Acceptance of Plan Quick Farm Road in Westborough, MA," date January 7, 2022, last revised August 31, 2022, and prepared by Thompson-Liston Associates Inc., on file with the Town Clerk, further to authorize the Select Board to acquire, by gift, purchase, or eminent domain, the fee or a permanent easement in said roadway and any drainage, access, utility and other easements related thereto, or take any other action thereon.

*Article Information – Approval of this article will make the second portion of Quick Farm Road a public way. This subdivision road, located within the residential subdivision known as "The Orchards at Quick Farm", was created by conditional approval of the Planning Board. The owners are ready to turn this road over to the Town. The motion for this article requires a two-thirds majority vote.*

**ARTICLE 11: Establish Dimensional Zoning Regulation for Building in M-1 District – Department of Public Works Site – PFAS Improvements (Department of Public Works)**

To see if the Town will vote to establish the dimensional regulations, as required under Article 5 , Use and Dimensional Regulations, Section 5.4 Dimensional Schedule, Subsection D, Building in M-1 District, of the Westborough Zoning Bylaws for the Town-owned property located at 131 Oak Street and identified on the Westborough Assessor's Map 33 as Parcel 33A, for that portion of the property containing the existing site as shown on a plan entitled "Department of Public Works Site – PFAS Improvements, Dimensional Zoning Regulation", sheet SK-2, dated August 2023 and on file with the Town Clerk. The purpose of establishing these regulations is to create a building and site work envelope to allow the construction of the PFAS improvements building addition and associated site elements within this envelope as shown on the plan noted above. The dimensional regulations for the site, including any required future construction, shall be as follows:

Minimum Front Yard = 0; Minimum Side Yard = 0; Minimum Rear Yard = 0; Maximum Structure Height = 60 feet.

Or take any other action thereon.

*Article Information: The Town's Zoning Bylaws require that Town Meeting set the dimensional regulations (such as setbacks, structure height, etc.) for Town projects on all Town-owned property zoned as M-1. This article seeks to establish zoning dimensional requirements for the work and structures associated with the construction of additional water treatment capability at the Oak Street Treatment Facility to benefit the municipal water supply. The motion for this article requires a 2/3 vote.*

**ARTICLE 12: Establish Dimensional Zoning Regulation for Building in M-1 District – Water Treatment Building (Department of Public Works)**

To see if the Town will vote to establish the dimensional regulations, as required under Article 5, Use and Dimensional Regulations, Section 5.4 Dimensional Schedule, Subsection D, Building in M-1 District, of the Westborough Zoning Bylaws for the Town-owned property located off Upton Road and Morse Street and identified on the Westborough Assessor's Map 16 as Parcel 28, for that portion of the property containing the existing site as shown on a plan entitled "Chemical Storage Building, Dimensional Zoning Regulation", sheet SK-1, dated August 2023 and on file with the Town Clerk. The purpose of establishing these regulations is to create a building to allow the construction of the water chemical storage building and associated site elements within this envelope as shown on the plan noted above. The dimensional regulations for the site, including any required future construction, shall be as follows:

Minimum Front Yard = 0; Minimum Side Yard = 0; Minimum Rear Yard = 0; Maximum Structure Height = 35 feet.

Or take any other action thereon.

*Article Information: The Town's Zoning Bylaws require that Town Meeting set the dimensional regulations (such as setbacks, structure height, etc.) for Town projects on all Town-owned property zoned as M-1. This article seeks to establish zoning dimensional requirements for the work and structures associated with the construction of water treatment capability associated with the Morse and Hopkinton Wells. The motion for this article requires a 2/3 vote.*

**ARTICLE 13: Town Water Treatment System Improvements (Department of Public Works)**

To see if the Town will vote to amend Article 23 of the 2023 Annual Town Meeting to increase the appropriation of Six Million Four Hundred Thousand Dollars (\$6,400,000) by a sum of money to pay costs of design, extension, repair, replacement, and construction of water infrastructure and associated work consisting of the project management and construction for the addition of a PFAS treatment system at the Oak Street water plant, including all incidental and related costs, including without limitation all costs thereof as defined in G.L. c. 29C, §1; to determine whether this amount shall be raised by borrowing or otherwise, including the borrowing of all or any portion of this amount through the Massachusetts Clean Water Trust (the "Trust"); to authorize the Select Board and any other appropriate official of the Town to enter into a loan agreement and/or security agreement with the Trust and the Department of Environmental Protection that may be required with respect to any borrowing through the Trust and for any federal or state aid or principal forgiveness available for the project or for the financing thereof; to authorize the Select Board to enter into a project regulatory agreement with the Department of Environmental Protection in connection with any borrowing through the Trust and any and all other instruments necessary or appropriate to accomplish the foregoing, or to take any other action relative thereto.

*Article Information – This article increases the funds appropriated for the addition of a PFAS treatment system at the Oak Street water plant. Two significant factors influenced the increased cost since the March 2023 town meeting appropriation. First, the Department of Environmental Protection completed its required review of the plans and directed additional, unanticipated, requirements be incorporated into the design. Additionally, this project will include replacement of the treatment plant finished pumps. Second, the DPW, through its engineering consultant, proactively surveyed the market to gain a better*

*understanding of the current bidding climate and material and labor costs. This article is funded through the Water Enterprise Fund. The motion for this article requires a 2/3 vote.*

**Article 14: Amend General Bylaws Article 17 - Affordable Housing Trust (Affordable Housing Trust)**

To see if the Town will vote to amend Article 17 of the Westborough General Bylaws by adding the following to Section 5 – Powers of the Trustees, Section A:

- (21) as authorized by the Select Board, to serve as the appointing authority for the Housing Partnership Committee for the Town, where the Trust may appoint the Housing Partnership Committee either: (i) as a committee of the whole of the Trust; or (ii) as a subcommittee comprised of Trustees and/or residents with at least one Trustee as a member.

*Article Information: Under Massachusetts General Law and the current Declaration of Trust, the Westborough Affordable Housing Trust is empowered to perform tasks and provide services that are also within the scope of the Housing Partnership Committee. The Town has struggled to appoint members to the Housing Partnership Committee, impacting the ability of the committee to fulfill its responsibilities. This amendment to the Town By-Laws will empower the Trust as the appointing authority with the ability appoint the Housing Partnership Committee as a subcommittee of the Trust, or have the Trust serve as the Housing Partnership Committee directly. This structure allows Trustees to serve fulfill the functions of the Housing Partnership Committee while recruiting residents to serve on the Committee. The Trust will amend the Declaration of Trust to reflect this change should this be voted by the Town. The motion for this article requires a majority vote.*

**Article 15: Amend Town Charter – Article 3, Section 3-2 Housing Partnership Committee Appointing Authority (Select Board/Affordable Housing Trust)**

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation as set forth below to amend the Town Charter as follows:

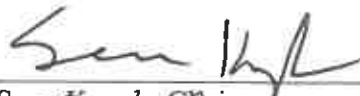
Amend the Westborough Town Charter, Article 3, Section 3-2 Select Board: Composition, Term of Office, Compensation, Powers and Duties, Etc., Paragraph (d) Appointments to add the following:

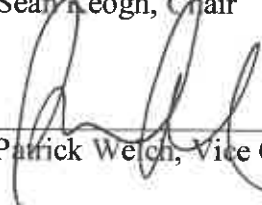
The Select Board may delegate appointing authority for the Housing Partnership Committee to any municipal housing trust established by the Town, provided that the Declaration of Trust includes the authority to serve as the appointing authority for the Housing Partnership Committee.

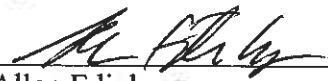
Or take any other action thereon.

*Article Information: This article modifies the Town Charter to allow the Select Board to delegate appointing authority to the Westborough Affordable Housing Trust. The Select Board may rescind the delegation at any time. The wording grants this authority even if the name or structure of the Trust changes in the future. The motion for this article requires a 2/3 vote.*


Given under our hands the 26<sup>th</sup> day of September in the year Two Thousand and Twenty Three.

  
Sean Keogh, Chair

  
Patrick Welch, Vice Chair

  
Allen Edinberg


  
Ian Johnson

  
Shelby Marshall

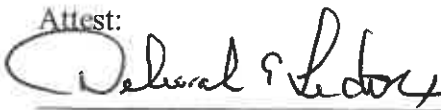
SELECTMEN OF WESTBOROUGH

\Worcester, ss

I have this day served the within Warrant by posting up attested copies thereof at the Town Library Bulletin Board and Town Hall Bulletin Board in said Westborough and by mailing a copy thereof to the residence of the Town Moderator all on September 27, 2023.

  
s/Constable of Westborough  
Traynor

\Worcester, ss

Attest:  
  
Town Clerk